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5 Attorney for Objector John W. Davis

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 Patricia Connor, Shari L. Bywater,
13 individually, and on behalf of
14 themselves and all others similarly
situated.

Plaintiffs,

VS.

JPMorgan Chase Bank and Federal National Mortgage Association a/k/a Fannie Mae.

Defendants.

Case No. 10 CV 1284 GPC BGS

**JOINT MOTION FOR APPROVAL
OF:**

**(1) WITHDRAWAL OF DAVIS
OBJECTION, AND
(2) AGREEMENT ALLOCATING
OBJECTOR ATTORNEYS' FEES
AND INCENTIVE AWARD**

Date: December 15, 2014
Time: 1:30 p.m.
Judge: Hon. Gonzalo P. Curiel
Courtroom: 2D

WHEREAS class member John W. Davis filed an objection to the settlement of this case, asserting *inter alia* that the Settling Parties had omitted eligible class members from the list of approved claimants under the settlement.

WHEREAS defendant subsequently undertook an investigation resulting in the discovery of 1,303,112 additional individuals entitled to make claims.

WHEREAS the settling parties, with the participation of Davis's counsel C. Benjamin Nutley, conducted further negotiations and amended the settlement to increase the amount of money to be paid to the Class, resulting in an increase in the value of the settlement of at least \$1.9 million.

WHEREAS the primary objections that Davis lodged have been met because:

(1) the omitted class members were discovered, notified, and compensated; (2) the settlement was amended to increase the amounts to be paid to existing and newly-discovered class members, and (3) Class Counsel's present request for attorneys' fees has been reduced in absolute terms, and Class Counsel expended considerable additional effort on behalf of the Class after Davis's objection.

WHEREAS Class Counsel and Davis's counsel Nutley subsequently negotiated in good faith to determine appropriate attorneys' fees to be allocated to Davis's counsel and, on consideration of the relevant factors, agreed upon the source and amount of fees to be paid.

1 THEREFORE, the settling parties hereby respectfully move as follows:
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3 1. For an order approving the withdrawal of Davis's objection, as having been
4 substantially met; and

5 2. For an Order recognizing that Class Counsel have agreed that the
6 participation of Davis and his counsel Nutley was beneficial to the result in the case,
7 and approving the agreed allocation of \$345,000 for fees, expenses, and incentive
8 award to Davis and his counsel. The payment shall be taken from the fee awarded
9 to Class Counsel in the case, and shall be paid over within five days of Class
10 Counsel's receipt of their own fee. The payment shall be divided as follows:
11 \$342,500 as fees and expenses, payable to Mr. Nutley, and \$2,500 as an incentive
12 payment, payable to Mr. Davis.

13 Dated: December 3, 2014

14 /s/ C. Benjamin Nutley
15 Counsel for John W. Davis

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21
22 Dated: December 3, 2014

23
24 /s/ Douglas J. Campion
25 Counsel for Plaintiffs PATRICIA CONNOR
26 and SHERI L. BYWATER and the Proposed
27 Settlement Class

1 Law Offices of Douglas J. Campion 409
2 Camino Del Rio South, Suite 303
3 San Diego, CA 92108
4 Email: doug@djcampion.com
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ECF Signature Certification

7 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative
8 Policies and Procedures Manual, I hereby certify that the content of this document is
9 acceptable to Douglas Campion, counsel for the Class, and that I have obtained Mr.
10
11 Campion's authorization to affix their electronic signature to this document.

12
13 Dated: December 5, 2014
14

15 /s/ C. Benjamin Nutley
16 Attorney for Objector John W. Davis
17 Email: Nutley@zenlaw.com
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Certificate of Electronic Service

I hereby certify that on December 5, 2014, a copy of the foregoing **JOINT
MOTION FOR APPROVAL OF: (1) WITHDRAWAL OF DAVIS
OBJECTION, AND (2) AGREEMENT ALLOCATING OBJECTOR
ATTORNEYS' FEES AND INCENTIVE AWARD** was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of electronic Filing. Parties may access this filing through the court's EM/ECF System.

Dated: December 5, 2014

/s/ C. Benjamin Nutley

Attorney for Objector John W. Davis
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